



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SANTIAGO REYES, Individually and on Behalf of
All Other Persons Similarly Situated,

08-CV-03315 (RJH)

Plaintiffs,

-against-

**PROPOSED
SCHEDULING
ORDER**

PREFERRED PAYMENT SYSTEMS CORP. MARK
BARONE, MARK PETRUZZELLI and RUDI
PURISIC (All Doing Business as "Parking Systems"),
And JOHN DOES #1-10,

Defendants.
-----X

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 5/20/08

1. Description of the Case

a. Identify the attorneys of record for each party, including lead trial attorney

Plaintiffs

William C. Rand, Esq.(lead)
Law Offices of William Coudert Rand
711 Third Avenue, Suite 1505
New York, NY 10017
(212) 286-1425
Fax (212) 599-7909

Defendants

Joseph M. Labuda, Esq.
Milman Labuda Law Group PLLC
3000 Marcus Avenue, Suite 3W3
Lake Success, NY 11042
(516) 328-8899
Fax (516) 328-0082

Jeffrey M. Gottlieb, Esq.
Law Offices of Jeffrey M. Gottlieb
150 East 18th Street, Suite PHR
New York, NY 10003
(212) 228-9795
Fax (212) 982-6284

b. State the basis for federal jurisdiction

Subject matter jurisdiction under the FLSA, 29 U.S.C. §201.

c. Briefly describe the claims asserted in the complaint and any counterclaims

Plaintiff seeks damages for unpaid wages on behalf of himself and on behalf of a class of plaintiffs under New York State Law and a collective class of plaintiffs under the FLSA.

d. State the major legal and factual issues in the case

- Whether defendants properly paid plaintiff.
- Whether the individual defendants are liable for any unpaid wages.
- Whether a class action and/or collective action are appropriate.

- c. Describe the relief sought
Plaintiff seeks declaratory judgment, injunction, unpaid wages, liquidated damages, costs, interests and attorneys fees.
- 2. Proposed Case Management Plan
 - a. Identify all pending motions
None-Plaintiff expects to make a motion for approval of notice to the collective action class.
 - b. Proposed cutoff date for joinder of additional parties
January 31, 2009
 - c. Proposed cutoff date for amendments to pleadings
March 31, 2009
 - d. Proposed schedule for completion of discovery, including
 - i. A date for Rule 26(a)(1) disclosures, if not previously completed
June 1, 2008
 - ii. A fact discovery completion date
March 31, 2009
 - iii. A date for Rule 26(a)(2) disclosures
February 1, 2009
 - iv. An expert discovery completion date, including dates for delivery of expert reports
May 1, 2009
 - e. Proposed date for filing dispositive motions
June 31, 2009
 - f. Proposed date for filing a final pretrial order
45 days after all dispositive motions are decided by Court.
 - g. Proposed trial schedule, indicating
 - i. Whether a jury trial is requested;
Yes.
 - ii. The probable length of trial
5 days.
 - iii. When the case will be ready for trial
30 days after filing of final pretrial order.
- 3. Consent to Proceed Before a Magistrate Judge; Indicate whether the parties consent unanimously to proceed before a Magistrate Judge.
No.

4. Status of Settlement Discussionsa. Indicate whether any settlement discussions have occurred

None.

b. Describe the status of any settlement discussions

Not applicable.

c. Whether parties request a settlement conference

Not at this time. The parties concur that some factual discovery is necessary before any meaningful settlement discussions could take place.

For the Plaintiff:

LAW OFFICES OF WILLIAM
COUDERT RAND

By: W.C. Rand

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(212) 286-1425

For the Defendants:

MILMAN LABUDA LAW GROUP PLLC

By: J.M. Labuda

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Lake Success, New York 11042
(516) 328-8899

SO ORDERED:

Richard J. Holwell
Richard J. Holwell U.S.D.J.

5/20/08

5. In light of the extended
discovery schedule, NO extensions
will be granted.

6. A status conference will
be held on 4/10/09 at 10:00 a.m.

7. The 5/20/08 conference is cancelled.